

House Bill 1361 (AS PASSED HOUSE AND SENATE)

By: Representative Houston of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Cook County and to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualification, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for certain expenditures of public funds; to
7 provide for compensation of members of the board and personnel; to provide for offices and
8 equipment; to provide for the board's performance of certain functions and duties for certain
9 municipalities; to provide for related matters; to provide for submission under Section 5 of
10 the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
15 Board of Elections and Registration of Cook County, hereinafter referred to as "the board."
16 The board shall have the powers, duties, and responsibilities of the superintendent of
17 elections of Cook County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
18 Code," currently being exercised by the judge of the Probate Court of Cook County, and the
19 powers, duties, and responsibilities of the Board of Registrars of Cook County under
20 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

21 **SECTION 2.**

22 The terms "election," "elector," "political party," "primary," and "public office" shall have
23 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
24 Election Code," unless otherwise clearly apparent from the text of this Act; and the term

"commissioners" means the board of commissioners of Cook County, and "county" means Cook County.

SECTION 3.

(a) The board shall be composed of five members who shall be appointed as provided in this section.

(b) The members of the board shall be appointed by the governing authority of Cook County. One member shall be selected by the governing authority of Cook County to serve as chairperson of the board who shall serve as such during his or her term of office.

(c) All appointments to the board shall be promptly certified by the governing authority of Cook County to the Clerk of the Superior Court of Cook County.

(d) In making the initial appointments to the board, the members shall be appointed by the governing authority of Cook County not later than January 1, 2009. The governing authority shall designate two of the initial appointees to serve a term beginning on January 1, 2009, and ending on December 31, 2010, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning January 1, 2011, and until their successors are duly appointed and qualified. The other appointees shall serve terms beginning on January 1, 2009, and ending on December 31, 2012, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning January 1, 2013, and until their successors are duly appointed and qualified. Thereafter, all members shall be appointed to serve four-year terms of office.

SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Cook County and must have been registered voters in Cook County for a period of at least one year prior to the date of their appointment to the board.

SECTION 5.

The governing authority of Cook County shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly

1 appointed as provided in this Act. The clerk of the superior court shall record each of such
2 certifications on the minutes of the superior court and shall certify the name of each such
3 appointed member to the Secretary of State and provide for the issuance of appropriate
4 commissions to the members within the same time and in the same manner as provided by
5 law for registrars.

6 **SECTION 6.**

7 Each member of the board shall have the right to resign at any time by giving written notice
8 of such resignation to the governing authority of Cook County and to the clerk of the superior
9 court and shall be subject to removal from the board by the governing authority of Cook
10 County at any time, for cause, after notice and hearing.

11 **SECTION 7.**

12 In the event a vacancy occurs in the office of any appointed member before the expiration
13 of his or her term, by removal, death, resignation, or otherwise, the governing authority of
14 Cook County shall appoint a successor to serve the remainder of the unexpired term as
15 provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such
16 interim appointments and record and certify such appointments in the same manner as the
17 regular appointment of members.

18 **SECTION 8.**

19 Before entering upon the member's duties, each member shall take substantially the same
20 oath as required by law for registrars and shall have the same privileges from arrest.

21 **SECTION 9.**

22 (a) The board shall be authorized to organize itself, determine its procedural rules and
23 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
24 take such action as is appropriate to the management of the affairs committed to its
25 supervision; provided, however, that no such action shall conflict with state law. Action and
26 decision by the board shall be by a majority of the members of the board. The board shall
27 be responsible for the selection, appointment, and training of poll workers in primaries and
28 elections.

29 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
30 directives governing the execution of matters within its jurisdiction. Any specially called
31 meeting shall be called by the chairperson or any two members of the board. The board shall
32 maintain a written record of policy decisions amended to include additions or deletions.
33 Such written records shall be made available for the public to review.

SECTION 10.

The board shall have the authority to contract with any municipality located within Cook County for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

(a) The governing authority of Cook County shall be authorized to appoint an election supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall be considered an employee of Cook County and shall be entitled to the same benefits as other employees of Cook County.

(b) The governing authority of Cook County shall be authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered employees of Cook County and shall be entitled to the same benefits as other employees of Cook County.

SECTION 12.

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Cook County. Such compensation shall be paid wholly from county funds.

SECTION 13.

The governing authority of Cook County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the governing authority of Cook County deems appropriate.

SECTION 14.

The board of commissioners of Cook County shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 15.

This Act shall become effective on its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2009. Upon this Act becoming fully effective, the judge of the Probate Court of Cook County and the Board of Registrars of Cook County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties. On such date, the Board of Registrars of Cook County shall be abolished.

SECTION 16.

All laws and parts of laws in conflict with this Act are repealed.